

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREGORY ANDREWS,

Plaintiff,

-against-

MEMORANDUM AND ORDER
14-CV-1721 (FB) (CLP)

THE CITY OF NEW YORK, et al.,

Defendants.
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Appearances:

For the Plaintiff:

JOHN JOSEPH NONNENMACHER
744 Fairmount Avenue
Chatham, NJ 07928

For the Defendants:

MELANIE MARY SPEIGHT
New York City Law Department
100 Church Street
New York, NY 10007

BLOCK, Senior District Judge:

On September 10, 2015, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that plaintiff’s counsel be awarded \$11,970.00 in fees and \$400.00 in costs. The R&R further provided that failure to object within fourteen days would preclude appellate review. To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s

report and recommendation operates as a waiver of further judicial review of the magistrate's decision."'). The Court will excuse a failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk of the Court to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 29, 2015